

INCOMING TELEGRAM

Department of State

33-48

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Action

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FROM: Warsaw

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TO: Secretary of State

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NO: 1644, April 23, 5 pm

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EMBTel 1620.

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Embassy has been informed by Protocol section of FONMIN that due special circumstances neither Corporal Kern nor SGT Kennedy need make personal appearances in response summons. FONMIN has determined that under Article 16.2 of Law of 1959 (Dziennik Ustaw NO 15 February 26, 1959) minor nature these cases require only written statements of circumstances rather than personal appearances.

FONMIN spokesman emphasized difficulty intervention with militia these two cases but expressed hope that future minor cases could be solved same manner. He also stated FONMIN now has under study possibility reaching bilateral agreement with US which would extend immunity to non-diplomatic American personnel.

In circumstances assume Department will refrain for time being from action against Polish white list. I am very grateful for excellent instruction contained DEPTel 1242 which enabled me warn Poles of consequences their insistence on former course of action. There is no doubt my mind that their position reversed only when they convinced we prepared remove immunities their subordinate personnel.

While this conclusion of cases not very satisfactory I believe it is customary even when there is no question

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but that an officer has immunity for us to agree that he will furnish written statement to local courts when interests of justice would thereby be advanced.

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